

EXHIBIT 65

CONFIDENTIAL



Transcript of **Mary Winter**

Monday, May 9, 2022

*National Coalition on Black Civic Participation, et al.
v. Jacob Wohl, et al.*

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Reference Number: 116296

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK

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4 NATIONAL COALITION ON BLACK CIVIC PARTICIPATION,
5 MARY WINTER, GENE STEINBERG, NANCY HART, SARAH
6 WOLFF, KAREN SLAVEN, KATE KENNEDY, EDA DANIEL and
7 ANDREA SFERES,

8

9 Plaintiffs, Civil Action No.

10

-and-

1:20-cv-08668-VM-OTW

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12 People of the STATE OF NEW YORK, by its Attorney
13 General, LETITIA JAMES, ATTORNEY GENERAL OF THE
14 STATE OF NEW YORK

15

-vs-

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17 JACOB WOHL, JACK BURKMAN, J.M. BURKMAN & ASSOCIATES,
18 LLC, PROJECT 1599, MESSAGE COMMUNICATIONS, INC.,
19 ROBERT MAHANIAN and JOHN and JANE DOES 1-10

20

Defendants.

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26 Deposition of MARY WINTER, Plaintiff, herein,
27 taken by Defendant, pursuant to Notice via Zoom, on
28 Monday, May 9, 2022, at 1:20 p.m., before Deirdre
29 Smith, a stenographer and notary public within and
30 for the State of New York.

1 A P P E A R A N C E S

2

3 ORRICK HERRINGTON & SUTCLIFFE, LLP

4 51 West 52nd Street

5 New York, NY 10019-6142

6 Appearng on behalf of the Plaintiff

7 Phone: (617) 880-1800

8 Email: brittany.roehrs@orrick.com

9 franklin.monsour@orrick.com

10 BY: BRITTANY ROEHR, ESQ.

11 FRANKLIN MONSOUR, ESQ.

12

13

14 GERSTMAN SCHWARTZ LLP

15 Appearng on behalf of the Defendant

16 60 E. 42nd Street, Suite 4700 Office 21

17 New York, NY 10165

18 Phone: (212) 227-7070

19 Email: rkleinman@gerstmanschwartz.com

20 BY: RANDY KLEINMAN, ESQ.

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1 A P P E A R A N C E S (continued)

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3 LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER LAW

4 Appearing on behalf of Plaintiff

5 1500 K Street NW

6 Suite 900

7 Washington, DC 20005

8 BY: MARC EPSTEIN, ESQ.

9

10

11

12 STATE OF NEW YORK OFFICE OF THE ATTORNEY GENERAL

13 Appearing on behalf of Plaintiff

14 28 Liberty Street

15 Floor 18, New York, NY 10005-1495

16 Phone: (212) 416-6046

17 BY: COLLEEN FERITY, ESQ.

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1 Steinberg?

2 A. Soon after I listened to it.

3 Q. How did you share it with him?

4 A. I played him the recording.

5 Q. How did you play it? Through the phone?

6 Through the computer? Something different?

7 A. Through the email.

8 Q. And why did you play it for him?

9 A. Because I wanted him to hear it.

10 Q. Why did you want him to hear it?

11 A. So that I could discuss it with him.

12 Q. Why did you want to discuss it with him?

13 A. Because I was horrified and outraged and
14 wanted to discuss. Mr. Steinberg live with me and
15 he was within a few feet of me.

16 Q. What was the nature of that conversation
17 after you played him the robocall?

18 A. We were outraged and horrified at the
19 content of the call.

20 Q. Okay. What specifically were you
21 horrified and outraged about?

22 A. The outrageous claims and intimidating
23 within the call.

24 Q. Can you be more specific?

25 A. No.

1 Q. You're unable to articulate what you found
2 to be outrageous about the robocall; is that fair to
3 say?

4 A. Can you clarify what you're asking?

5 Q. Sure. Why did you think at the time you
6 heard the robocall that it was outrageous?

7 A. Because it made outrageous claims that
8 were intimidating to voters.

9 Q. What specifically about the claims did you
10 feel to be outrageous or intimidating?

11 A. Most of it.

12 Q. Okay. What specifically?

13 A. The fear mongering about vaccines. The
14 threats about outstanding debts and people with
15 criminal histories. All of these I found to be
16 extremely distressing.

17 Q. Why did you find it to be distressing?

18 A. Because if people were to believe the
19 claims made in that it would undermine our ability
20 to have faith in our democracy.

21 Q. Do you believe that the entire substance
22 of the robocall was false?

23 MS. ROEHR: Objection.

24 A. No.

25 Q. What portions do you believe to be true?

1 A. Which question are you asking?
2 Q. With regards to be offended I'm asking you
3 what type of offenses are adequate to bring a
4 lawsuit in your opinion?

5 MS. ROEHR: Objection.

6 A. Again, it would depend on the offense. I
7 would not want to -- I don't know.

8 Q. Have you ever offended anybody?

9 MS. ROEHR: Objection.

10 A. I don't know.

11 Q. Would you expect to be sued if you
12 offended somebody?

13 MS. ROEHR: Objection.

14 A. It would depend on the offense.

15 Q. In what situation would you expect to be
16 sued by somebody you offended?

17 A. If I had intimidated them against voting.

18 Q. Were you intimidated against voting?

19 MS. ROEHR: Objection.

20 A. By mail, yes.

21 Q. But did you vote?

22 A. Yes.

23 Q. Any other reason you might think it was
24 legitimate to sue somebody because you were
25 offended?

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2 C E R T I F I C A T I O N

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5 THIS IS TO CERTIFY, THAT I, DEIRDRE M. SMITH,
6 on Monday, May 9th of 2022, reported the proceedings
7 contained in the foregoing 84 pages at the time and
8 place as set forth in the heading in the foregoing
9 matter. That the transcript is a true and accurate
10 transcription of my stenographic notes, using
11 Computer Aided Transcription, to the best of my
12 ability.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 23rd day of May, 2022.

15 
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17 Deirdre M. Smith
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